

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
(Western Division)

THE PROCTER & GAMBLE COMPANY,)	Civil Action No.: C-1-03-433
Plaintiff,)	Judge Thomas M. Rose
v.))
)))
ORACEUTICAL LLC, et al.))
)))
Defendants.))
<hr/>	
BRITESMILE DEVELOPMENT INC.,)	Civil Action No.: C-3-05-172
)))
Plaintiff,)	Judge Thomas M. Rose
)))
v.)))
)))
THE PROCTER & GAMBLE COMPANY,))
)))
Defendant.))

STIPULATION OF DISMISSAL

The parties hereto, to-wit The Procter & Gamble Company and Oraceutical LLC, Index Dental Sciences, Inc., Robert E. Montgomery, BriteSmile, Inc. and BriteSmile Development, Inc. have agreed to a compromise and settlement of these Civil Actions and all claims, defenses and counterclaims that were or could have been brought in these Civil Actions. They stipulate, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, as follows:

1. These Civil Actions are hereby dismissed with prejudice, except that P&G's claims and defenses of invalidity and unenforceability are hereby dismissed without prejudice.
2. Each party shall bear its own costs and attorneys' fees.

STIPULATED AND AGREED TO:

/s/ Mark A. Vander Laan

Mark A. Vander Laan, Ohio Bar 0013297
DINSMORE & SHOHL LLP
255 East 5th St.
Suite 1900
Cincinnati, Ohio 45202
Telephone: (513) 977-8200
Facsimile: (513) 977-8141

/s/ Ann G. Robinson

Ann G. Robinson (0064234)
James M. Kipling (0005002)
FROST BROWN TODD LLC
2200 PNC Center
201 East 5th Street
Cincinnati, Ohio 45202
Telephone: (513) 651-6800
Facsimile: (513) 651-6981

OF COUNSEL (admitted *pro hac vice*)

Kenneth R. Adamo, Ohio Bar 0009303
Joseph D. Pollack, Ohio Bar 0017859
David M. Maiorana, Ohio Bar 0071440
Ryan B. McCrum, Ohio Bar 0071519

JONES DAY
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114-1190
Telephone: (216) 586-3939
Facsimile: (216) 579-0212
Counsel for The Procter & Gamble Company

OF COUNSEL (admitted *pro hac vice*)

Timothy J. Haller
Douglas M. Hall
Frederick C. Laney

NIRO, SCAVONE, HALLER & NIRO
181 West Madison Street
Suite 4600
Chicago, Illinois 60602-4515
Telephone: (312) 236-0733
Facsimile: (312) 236-3137
Counsel for Oraceutical LLC, IDEX Dental Sciences, Inc., Robert Eric Montgomery, BriteSmile, Inc., BriteSmile Development, Inc. Oraceutical Innovative Properties LLC, Oraceutical Acquisition LLC